



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,170	05/04/2001	Lyndsay Williams	2730	9681

7590 11/20/2002

MICHALIK & WYLIE PLLC
14645 Bel-Red Road, Suite 103
Bellevue, WA 98007

EXAMINER

ALEXANDER REINDOR, NAA OBOSHIE C

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/849,170	WILLIAMS ET AL.
	Examiner Naa-Oboshie Alexander-Reindorf	Art Unit 2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 5/4/01.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) 1-22 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Objections

1. While applicant may be his or her own lexicographer, a term in a claim may not be given a meaning repugnant to the usual meaning of that term. See *In re Hill*, 161 F.2d 367, 73 USPQ 482 (CCPA 1947). The term "ballistic" in claim 1-22 is used by the claim to mean "movement of a pen point across a surface," while the accepted meaning is "flight characteristics of a projectile." The use of the term is misleading as a stylus or pen is not a projectile.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,9-11,12,13,21,22 and 18-20, are rejected under 35 U.S.C. 102(b) as being anticipated by Bird et al.

As per claim 1, at column 8, lines 3- 8, Bird et al. teach, a computer system, comprising, a writing instrument that generates ballistic information from a user's handwriting; and a conversion component that utilizes the ballistic information to generate line thickness information.

As per claim 2, as shown in Figure 1, Bird et al teach, a computer system, wherein the writing instrument is a pen.

As per claims 9 –11, 12,13,21,22 and 18-20, at column 6, line 64 – column 7, line 9, Bird et al. teach a computer system wherein the conversion component generates thickness information (width of the line drawn) based upon spacing of plots in a map (array of sensing elements) of a plot of the ballistic information; is based upon the samples/unit (Figures 4-8) distance of the plots; and the thickness information increases a thickness component as the samples/unit distance (frequency, which is the inverse of the wavelength) increase.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-8, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bird et al. in view of Stork et al.

As per claim 3, Bird et al have been discussed above. At column 3, lines 41-49, Stork et al teach a computer system wherein the writing instrument comprises an accelerometer configured to generate the ballistic information. It would have been obvious to one skilled in the art at the time of the invention to incorporate the

accelerometer of Stork et al into that of Bird et al because it would provide a means to calibrate the writing instrument for data input.

As per claim 4, at column 3 lines 23-27, Stork et al. teach a computer system wherein the writing instrument comprises an analog-to-digital converter for converting the analog ballistic information to digital data. It would have been obvious to one skilled in the art at the time of the invention to incorporate the analog-to-digital converter of Stork et al. into the system of Bird et al because it would provide a means for converting the analog information to digital data.

As per claims 5,6, 14, and 15, at column 4, lines 1-3, Stork et al teach a computer system of claim 4, wherein the conversion component is located remote from the writing instrument, and further comprising transmitting the digital data to the conversion component; wherein the digital data is transmitted via a wireless connection.

As per claims 7 and 16, the Stork et al reference teaches wireless transmission of the digital data as indicated in claim 6. It would have been obvious to transmit the digital data via a hardwired connection because it would reduce the need and cost of the expensive transceivers.

As per claim 8 and 17, at column 2, lines 45-52, Stork et al. teach a computer system wherein the accelerometer is configured to generate tilt (multiple predefined positions) information.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Naa-Oboshie Alexander-Reindorf** whose telephone number is **703-305-3897**. The examiner can normally be reached on Mondays-Thursdays and alternate Fridays from 8:30 – 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached at 703-305-4709.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 872-9314.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

NAR
November 18, 2002



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
U.S. PATENT AND TRADEMARK OFFICE